

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRAVIS COX, Inmates of Douglas County
DC Class Action- See Attached;

Plaintiff,

vs.

DOUGLAS COUNTY DEPARTMENT OF
CORRECTIONS, WELLPATH, and MIKE
MYERS,

Defendants.

8:23CV239

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On June 5, 2023, Plaintiff Travis Cox filed a pro se Complaint under [42 U.S.C. § 1983](#) titled “1983c Class Action Lawsuit” containing a list of names and inmate numbers of over 40 additional “plaintiffs” housed by the Douglas County Department of Corrections (“DCDC”); naming the DCDC, WellPath Medical Providers, and Mike Myers, Director of Corrections, as defendants; alleging claims relating to “Living Conditions” and denial of medical treatment; and seeking monetary damages. [Filing No. 1 at 2–9](#). The Complaint, however, cannot proceed as filed as a class action.

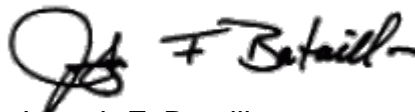
Pro se prisoner plaintiffs may not bring class actions because they are not adequate class representatives able to fairly represent and adequately protect the interests of the class. See [Fed.R.Civ.P. 23\(a\)](#); [Oxendine v. Williams](#), 509 F.2d 1405,

1407 (4th Cir.1975); see also *Russell v. United States*, 308 F.2d 78, 79 (9th Cir.1962) (holding “a litigant appearing in propria persona has no authority to represent anyone other than himself”); *Nelson v. Hjorth*, No. 8:18CV88, 2018 WL 2050571, at *4 (D. Neb. May 2, 2018) (“a pro se plaintiff who is not an attorney cannot maintain a class action”); *Rouse v. Michigan*, No. 2:17-CV-12276, 2017 WL 3394753, at *1 (E.D. Mich. Aug. 8, 2017) (collecting cases). Here, as lead plaintiff Cox is proceeding pro se, this action must be dismissed without prejudice to Plaintiff’s filing a new action solely on his own behalf or as a class action with the assistance of counsel.¹

IT IS THEREFORE ORDERED that: The Complaint, [Filing No. 1](#), shall be dismissed in its entirety without prejudice. In light of this dismissal, the application to proceed in forma pauperis, [Filing No. 2](#), is denied.

Dated this 10th day of July, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Court

¹ The Court notes that Plaintiff has another case currently pending before this Court, where he is the sole plaintiff, raising some of the same claims that he raises here. See *Cox v. Board of Parole, et. al.*, 8:23-CV-202, [Filing No. 1](#).